

CIVIL DOCKET, 212 Judicial District Court, Galveston County Cause 09CV1729

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

REQUEST FOR ISSUANCE OF SERVICE

DATE OF REQUEST 10-06-09

SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST (each citation, precept or TRO \$8.00)

Case Number 09-CV-1729 in the 212th Court of Galveston County, Texas

Type of service requested – please check each type when requesting multiple service documents

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other - please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Eddie Janek

By serving, it's \_\_\_\_\_

Address 7908 Channelview Drive

City, State, Zip Galveston, TX 77554

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Call Attorney for pick up @ phone number \_\_\_\_\_

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid 10/06/09

Amount/Method of payment check

Signature of attorney requesting issuance of service Justin D. Janek

\*Service will not be issued without signature

10/06/09 in Ct 080 by Carter (s) 1<sup>st</sup> Amend Petit.

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Temporary Restraining Order/Temporary Injunction

Other - please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Vandy Anderson

By serving, it's \_\_\_\_\_

Address 691xxVxxWeisxxR 6917 Weis Drive

City, State, Zip Galveston, TX 77551

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Call Attorney for pick up @ phone number \_\_\_\_\_

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid 10-06-09

Amount/Method of payment

check *J. Lewis*  
GALVESTON DISTRICT ATTORNEY  
TX  
09 OCT -8 AM 11:24

Signature of attorney requesting issuance of service

\*Service will not be issued without signature

11/4/09 at 8:00 Cert m (S) first am

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

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Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Sally H. Prill

By serving, it's \_\_\_\_\_

Address 20 Adler Circle

City, State, Zip Galveston, Texas 77551

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Call Attorney for pick up @ phone number \_\_\_\_\_

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid 10-06-09 Amount/Method of payment check

Signature of attorney requesting issuance of service \_\_\_\_\_

\*Service will not be issued without signature

09 OCT -8 AM 11:24  
SALY H. PRILL  
DISTRICT CLERK  
GALVESTON COUNTY, TX

11/4/09 um 1 at @ 8<sup>th</sup> Cet in First Amancio

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Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name James E. Toups

By serving, it's \_\_\_\_\_

Address 2022 Morning Lake Drive

City, State, Zip League City, TX 775734

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Call Attorney for pick up @ phone number \_\_\_\_\_

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid 10-06-09

Amount/Method of payment check

Signature of attorney requesting issuance of service John L. Lewis

\*Service will not be issued without signature

09 OCT -08

AM 11:24

11/4/09 cm 1 cert & sw by Cert M(4)

First Amended

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

REQUEST FOR ISSUANCE OF SERVICE

DATE OF REQUEST 10/06/09

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Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Diane Kerkhove

By serving, it's \_\_\_\_\_

Address 109 Royal Drive

City, State, Zip League City, TX 77573

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Call Attorney for pick up @ phone number \_\_\_\_\_

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid 10-06-09 Amount/Method of payment check

Signature of attorney requesting issuance of service \_\_\_\_\_

\*Service will not be issued without signature

09 OCT - 8 AM 11:25  
Galveston County Sheriff  
1104109 1st & 8th Street  
First Amended

## CIVIL CITIGATION

THE STATE OF TEXAS

09CV1729 - 212TH

CARNIVAL CORPORATION, ET AL

VS

BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

TO: JAMES E. TOUPS  
 2022 MORNING LAKE DRIVE, LEAGUE CITY, TEXAS 77573 OR  
 WHEREVER HE MAY BE FOUND

DEFENDANT: Greeting:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Ste. 4001, Galveston, Texas 77551-2388. The case is presently pending before the 212TH Judicial District Court of Galveston County sitting in Galveston, Texas, wherein, THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES A/K/A THE PORT OF GALVESTON AND GALVESTON PORT FACILITIES CORPORATION, Intervenors filed THEIR THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION complaining of and against (SEE ATTACHED PETITION FOR LISTED PARTIES) on the 21ST day of OCTOBER, 2009. It bears cause number 09CV1729 and all parties to the suit are evidenced by the pleadings on file in this cause.

The nature of Intervenor's demand is fully shown by a true and correct copy of THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION, accompanying this citation, and made a part hereof.

The name and address of the intervenor or the attorney of record is:

ANTHONY P. BROWN, ATTORNEY  
 MCLEOD,ALEXANDER,POWEL & APFFEL, P.C.  
 802 ROSENBERG, P.O.BOX 629  
 GALVESTON, TEXAS 77553

If this citation is not served, it shall be returned unserved.

Issued and given under my hand and the seal of said court at Galveston, Texas, this the 21ST day of October, A.D., 2009.

ATTEST:  
 LATONIA D. WILSON  
 District Clerk, Galveston County, Texas  
 By Terrie Kahla, Deputy  
 TERRIE KAHLA

## NOTE:

A STATUS CONFERENCE HAS BEEN SET FOR DECEMBER 23, 2009 in the  
 District Court AT 9:00 A.M.

## OFFICER'S OR AUTHORIZED &amp; DISINTERESTED PERSON'S RETURN

Came to hand on 23rd day of OCTOBER, 2009 at 10:00 o'clock A.M. and executed in Galveston County, Texas by delivering to the within named defendant JAMES E. TOUPS, in person or by registered or certified mail, return receipt requested, a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION, at the following times and places, to-wit:

| NAME        | DATE     | TIME OF SERVICE | PLACE                                      |
|-------------|----------|-----------------|--|
| James Toups | 10-22-09 | 5pm             | 2022 Morning Lake<br>League City, TX 77573 |

Fees - Serving Ryan Little 5816  
 Name of Officer or Authorized & Disinterested Person  
 Amount \$ 5816 County, Texas  
 By Ryan Little  
 Signature of Deputy or Authorized & Disinterested Person

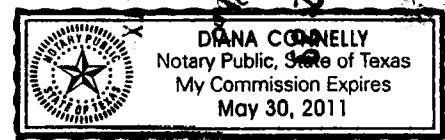
## Authorized &amp; Disinterested Person's Verification:

On this day personally appeared Ryan Little, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this 23rd day of October, 2009.

Notary's Name Printed: Diana Connally  
 Notary Public Diana Connally  
 In and for the State of Texas  
 Commission Expires: May 30, 2011

11/16/09



## CIVIL CITIGATION

## THE STATE OF TEXAS

09CV1729 - 212TH

CARNIVAL CORPORATION, ET AL

VS

BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

**TO: EDDIE JANEK**  
**7908 CHANNELVIEW DRIVE**  
**GALVESTON, TEXAS 77554 OR**  
**WHEREVER HE MAY BE FOUND**

**DEFENDANT: Greeting:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Ste. 4001, Galveston, Texas 77551-2388. The case is presently pending before the 212TH Judicial District Court of Galveston County sitting in Galveston, Texas, wherein, THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES A/K/A THE PORT OF GALVESTON AND GALVESTON PORT FACILITIES CORPORATION, Intervenors filed THEIR THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION complaining of and against (SEE ATTACHED PETITION FOR LISTED PARTIES) on the 21ST day of OCTOBER, 2009. It bears cause number 09CV1729 and all parties to the suit are evidenced by the pleadings on file in this cause.

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The name and address of the intervenor or the attorney of record is:

**ANTHONY P. BROWN, ATTORNEY**  
**MCLEOD, ALEXANDER, POWEL & APFFEL, P.C.**  
**802 ROSENBERG, P.O.BOX 629**  
**GALVESTON, TEXAS 77553**

If this citation is not served, it shall be returned unserved.

Issued and given under my hand and the seal of said court at Galveston, Texas, this the 21ST day of October, A.D., 2009.

ATTEST:  
**LATONIA D. WILSON**  
 District Clerk, Galveston County, Texas  
 By Terrie Kahla, Deputy  
**TERRIE KAHLA**

**NOTE:**

A STATUS CONFERENCE HAS BEEN SET FOR DECEMBER 23, 2009 in the  
 District Court AT 9:00 A.M.

**OFFICER'S QR AUTHORIZED & DISINTERESTED PERSON'S RETURN**

Came to hand on 22 day of October, 2009 at 12:00 o'clock PM, and executed in Galveston County, Texas by delivering to the within named defendant EDDIE JANEK, in person or by registered or certified mail, return receipt requested, a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION, at the following times and places, to-wit:

| NAME        | DATE     | TIME OF SERVICE | PLACE                                   |
|-------------|----------|-----------------|---|
| Eddie Janek | 10-22-09 | 12 pm           | 7908 Channelview<br>Galveston, TX 77554 |

Fees - Serving Ryan Little  
 Name of Officer or Authorized & Disinterested Person  
 Amount \$ 0.00 County, Texas

By Ryan Little  
 Signature of Deputy or Authorized & Disinterested Person

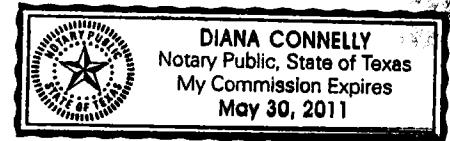
**Authorized & Disinterested Person's Verification:**

On this day personally appeared Ryan Little, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this 23rd day of October, 2009.

Notary's Name Printed: Diana Connally  
 Notary Public  
 In and for the State of Texas  
 Commission Expires: May 30, 2011

11/16/09



## CIVIL CITIGATION

THE STATE OF TEXAS

09CV1729 - 212TH

CARNIVAL CORPORATION, ET AL

VS

BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

**TO: VANDY ANDERSON**  
**6917 WEIS DRIVE, GALVESTON, TEXAS 77551 OR**  
**WHEREVER HE MAY BE FOUND**

**DEFENDANT:** Greeting:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Ste. 4001, Galveston, Texas 77551-2388. The case is presently pending before the 212TH Judicial District Court of Galveston County sitting in Galveston, Texas, wherein, THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES A/K/A THE PORT OF GALVESTON AND GALVESTON PORT FACILITIES CORPORATION, Intervenors filed THEIR THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION complaining of and against (SEE ATTACHED PETITION FOR LISTED PARTIES) on the 21ST day of OCTOBER, 2009. It bears cause number 09CV1729 and all parties to the suit are evidenced by the pleadings on file in this cause.

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The name and address of the intervenor or the attorney of record is:

ANTHONY P. BROWN, ATTORNEY  
 MCLEOD, ALEXANDER, POWEL & APFFEL, P.C.  
 802 ROSENBERG, P.O.BOX 629  
 GALVESTON, TEXAS 77553

If this citation is not served, it shall be returned unserved.

Issued and given under my hand and the seal of said court at Galveston, Texas, this the 21ST day of October, A.D., 2009.

ATTEST:  
 LATONIA D. WILSON  
 District Clerk, Galveston County, Texas  
 By Terrie Kahla, Deputy  
 TERRIE KAHLA

**NOTE:**

A STATUS CONFERENCE HAS BEEN SET FOR DECEMBER 23, 2009 in the  
 District Court AT 9:00 A.M.

**OFFICER'S OR AUTHORIZED & DISINTERESTED PERSON'S RETURN**

Came to hand on 23rd day of October 2009 at 12 pm o'clock noon, and executed in Galveston County, Texas by delivering to the within named defendant VANDY ANDERSON, in person or by registered or certified mail, return receipt requested, a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION, at the following times and places, to-wit:

| NAME                    | DATE            | TIME OF SERVICE | PLACE                 |
|-------------------------|-----------------|-----------------|-----------------------|
| <u>Ryan Little 5816</u> | <u>10-22-09</u> | <u>12 pm</u>    | <u>300 University</u> |

Fees - Serving Ryan Little 5816  
 Name of Officer or Authorized & Disinterested Person  
 Amount \$ 0.00 County, Texas

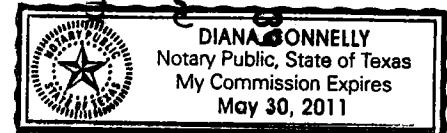
By Ryan Little 5816  
 Signature of Deputy or Authorized & Disinterested Person

Authorized &amp; Disinterested Person's Verification:

On this day personally appeared Ryan Little, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this 23rd day of October, 2009.Notary's Name Printed: Diana ConnallyNotary Public Diana Connally

In and for the State of Texas

Commission Expires: May 30, 201111/16/09

## CIVIL CITIGATION

## THE STATE OF TEXAS

09CV1729 - 212TH

CARNIVAL CORPORATION, ET AL

VS

BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

TO: SALLY H. PRILL  
 20 ADLER CIRCLE  
 GALVESTON, TEXAS 77551 OR  
 WHEREVER HE MAY BE FOUND

DEFENDANT: Greeting:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Ste. 4001, Galveston, Texas 77551-2388. The case is presently pending before the 212TH Judicial District Court of Galveston County sitting in Galveston, Texas, wherein, THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES A/K/A THE PORT OF GALVESTON AND GALVESTON PORT FACILITIES CORPORATION, Intervenors filed THEIR THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION complaining of and against (SEE ATTACHED PETITION FOR LISTED PARTIES) on the 21ST day of OCTOBER, 2009. It bears cause number 09CV1729 and all parties to the suit are evidenced by the pleadings on file in this cause.

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The name and address of the intervenor or the attorney of record is:

ANTHONY P. BROWN, ATTORNEY  
 MCLEOD, ALEXANDER, POWEL & APFFEL, P.C.  
 802 ROSENBERG, P.O.BOX 629  
 GALVESTON, TEXAS 77553

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ATTEST:  
 LATONIA D. WILSON  
 District Clerk, Galveston County, Texas  
 By Terrie Kahla, Deputy  
 TERRIE KAHLA

## NOTE:

A STATUS CONFERENCE HAS BEEN SET FOR DECEMBER 23, 2009 in the  
 District Court AT 9:00 A.M.

## OFFICER'S OR AUTHORIZED &amp; DISINTERESTED PERSON'S RETURN

Came to hand on 22 day of October, 2009 at 10:00 o'clock AM, and executed in Galveston County, Texas by delivering to the within named defendant SALLY H. PRILL, in person or by registered or certified mail, return receipt requested, a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION, at the following times and places, to-wit:

| NAME                              | DATE            | TIME OF SERVICE | PLACE                     |
|-----------------------------------|-----------------|-----------------|---------------------------|
| <u>Ryan Little</u>                | <u>10-22-09</u> | <u>2pm</u>      | <u>20 Adler circle</u>    |
| Fees - Serving <u>Ryan Little</u> | <u>5816</u>     |                 | <u>Galveston TX 77551</u> |

Name of Officer or Authorized & Disinterested Person  
 Amount \$ Galveston County, Texas  
 By Ryan Little 5816  
 Signature of Deputy or Authorized & Disinterested Person

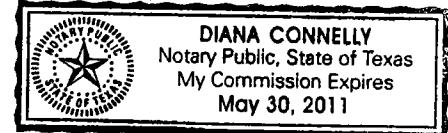
## Authorized &amp; Disinterested Person's Verification:

On this day personally appeared Ryan Little, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this 23rd day of October, 2009.

Notary's Name Printed: Diana ConnellyNotary Public Diana Connelly

In and for the State of Texas

Commission Expires: May 30, 201111/16/09

## CIVIL CITIGATION

THE STATE OF TEXAS

09CV1729 - 212TH

CARNIVAL CORPORATION, ET AL

VS

BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

TO: DIANE KERKHOVE  
 109 ROYAL DRIVE  
 LEAGUE CITY, TEXAS 77573 OR  
 WHEREVER HE MAY BE FOUND

DEFENDANT: Greeting:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Ste. 4001, Galveston, Texas 77551-2388. The case is presently pending before the 212TH Judicial District Court of Galveston County sitting in Galveston, Texas, wherein, THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES A/K/A THE PORT OF GALVESTON AND GALVESTON PORT FACILITIES CORPORATION, Intervenors filed THEIR THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION complaining of and against (SEE ATTACHED PETITION FOR LISTED PARTIES) on the 21ST day of OCTOBER, 2009. It bears cause number 09CV1729 and all parties to the suit are evidenced by the pleadings on file in this cause.

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The name and address of the intervenor or the attorney of record is:

ANTHONY P. BROWN, ATTORNEY  
 MCLEOD, ALEXANDER, POWEL & APFFEL, P.C.  
 802 ROSENBERG, P.O.BOX 629  
 GALVESTON, TEXAS 77553

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ATTEST:  
 LATONIA D. WILSON  
 District Clerk, Galveston County, Texas  
 By Terrie Kahla, Deputy  
 TERRIE KAHLA

## NOTE:

A STATUS CONFERENCE HAS BEEN SET FOR DECEMBER 23, 2009 in the  
District Court AT 9:00 A.M.

OFFICER'S OR AUTHORIZED & DISINTERESTED PERSON'S RETURN  
 Came to hand on 22 day of October, 2009 at 2pm o'clock A.M., and executed in Galveston County, Texas by delivering to the within named defendant DIANE KERKHOVE, in person or by registered or certified mail, return receipt requested, a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND GALVESTON PORT FACILITIES CORPORATION'S ORIGINAL PETITION IN INTERVENTION, at the following times and places, to-wit:

| NAME             | DATE     | TIME OF SERVICE | PLACE                                 |
|------------------|----------|-----------------|---------------------------------------|
| Ryan Little 5816 | 10-22-09 | 2pm             | 109 Royal Dr<br>League City, TX 77573 |

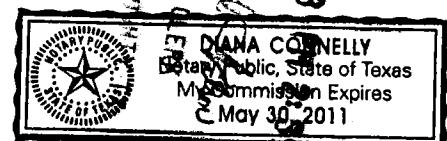
Fees - Serving Ryan Little 5816  
 Name of Officer or Authorized & Disinterested Person  
 Amount \$ 0.00 County, Texas

By Ryan Little 5816  
 Signature of Deputy or Authorized & Disinterested Person

Authorized & Disinterested Person's Verification:  
 On this day personally appeared Ryan Little, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this 23rd day of October, 2009.Notary's Name Printed: Diana ConnallyNotary Public Diana Connally

In and for the State of Texas

Commission Expires: May 30, 2011

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

**REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST (each citation, precept or TRO \$8.00)**

Case Number 09 CV 1729 in the 212<sup>th</sup> Court of Galveston County, Texas

Type of service requested – please check each type when requesting multiple service documents

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Vandy Anderson

By serving, it's \_\_\_\_\_

Address 6917 Weis Drive

City, State, Zip Galveston, Tx. 77551

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Process Server  
Call Attorney for pick up @ phone number  
409-938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address

Date fees paid \_\_\_\_\_

Amount/Method of payment \_\_\_\_\_

Signature of attorney requesting issuance of service

\*Service will not be issued without signature

09 NOV -9 PH 3:33  
DISTRICT CLERK  
GALVESTON COUNTY, TX  
J. S. [Signature]

CAUSE NO. 09CV1729

|  |                                       |
|--|---------------------------------------|
| CARNIVAL CORPORATION;<br>ROYAL CARIBBEAN CRUISES, LTD.;<br>and THE FLORIDA-CARIBBEAN<br>CRUISE ASSOCIATION,  | § IN THE DISTRICT COURT OF            |
| Plaintiffs   | § GALVESTON COUNTY, TEXAS             |
| vs.  | §                                     |
| THE BOARD OF PILOT COMMISSIONERS<br>FOR GALVESTON COUNTY PORTS;<br>VANDY ANDERSON; JAMES E. TOUPS;<br>SALLY H. PRILL; EDDIE JANEK; and<br>DIANE KERKHOVE | §                                     |
| Respondents.   | § 212 <sup>th</sup> JUDICIAL DISTRICT |

**ORDER GRANTING TEMPORARY RESTRAINING ORDER**

The Board of Trustees of the Galveston Wharves, also known as the Port of Galveston (hereafter "Port of Galveston") and Galveston Port Facilities Corporation (hereafter "GPFC"), Intervenors in this cause, have filed a verified Petition for a Temporary Injunction and, in connection therewith, have presented a request for a Temporary Restraining Order, as set out in their Petition in Intervention filed in this cause. It clearly appears from the facts set forth in their verified Petition that the Board of Pilot Commissioners of Galveston County (the "Pilot Board") previously voted to eliminate the requirement of a second pilot on certain cruise line vessels calling on the Port of Galveston, that the Pilot Board has failed to amend and update its tariff rate schedule to reflect this vote, and that within one (1) year of the date of that vote the Pilot Board initially convened a hearing on a new application for rate increase filed by the Galveston County Pilots, that the Pilot Board has not agreed to postpone or abate that hearing pending a determination by this Court, and that unless the Board of Pilot Commissioners of Galveston

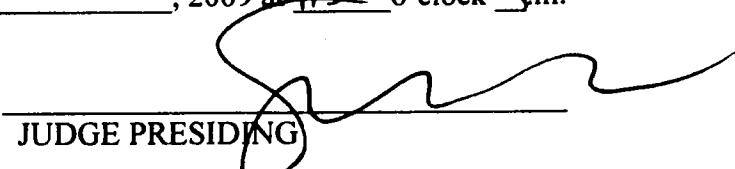
County are immediately restrained from conducting the hearing, the Board intends to proceed before Notice can be given and a hearing is held on Intervenors' Motion for a Temporary Injunction, pending in this Court, causing Intervenors to suffer irreparable injury. Further, they require protection in order to fully preserve this Court's jurisdiction over these issues, pending trial on the merits of this Cause.

IT IS THEREFORE ORDERED that Vandy Anderson, Sally Prill, Eddie Janek, James Toups and Diane Kerkhove, as members of the Board of Pilot Commissioners of Galveston County, be, and hereby are commanded forthwith to desist and refrain from holding any hearings on Applications for Rate Increases filed by the Galveston County Pilots from the date of entry of this Order until and to the fourteenth (14) day after entry hereof, or until further Order of this Court.

IT IS FURTHER ORDERED that Vandy Anderson, Sally Prill, Eddie Janek, James Toups and Diane Kerkhove, as members of the Board of Pilot Commissioners of Galveston County, appear before me, Judge of the above-named Court on 11-23-09, 2009 at 9:30 o'clock AM in the Courtroom of the 212<sup>th</sup> District Court in the Galveston County Justice Center in Galveston, Galveston County, Texas, then and there to show cause, if any there be, why a temporary injunction should not be issued as requested by the Intervenors. The Clerk of the Court is hereby directed to issue a Show Cause Notice to Defendants to appear at the Temporary Injunction hearing. The Clerk of the above-entitled Court shall forthwith, on the filing by Intervenors of the Bond hereinafter required, and on approving same according to the law, issue a Temporary Restraining Order in conformity with the law, and the terms of this Order.

This Order shall not be effective unless and until Intervenors execute and file with the Clerk a Bond, in conformity with the law, in the amount of Two Hundred Fifty dollars (\$250.00).

Signed this 1 day of Nov, 2009 at 11:50 o'clock 5m.

  
JUDGE PRESIDING

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

**REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST (each citation, precept or TRO \$8.00)**

Case Number 09CV1729 in the 212<sup>th</sup> Court of Galveston County, Texas

Type of service requested – please check each type when requesting multiple service documents

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Sally H. Price

By serving, it's \_\_\_\_\_

Address 20 Adler Circle

City, State, Zip Galveston, TX. 77551

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Process Server

Call Attorney for pick up @ phone number

(409) 938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address

Date fees paid \_\_\_\_\_

Amount/Method of payment \_\_\_\_\_

Signature of attorney requesting issuance of service

\*Service will not be issued without signature

09NOV-9 PH 3:33  
DISTRICT COURT  
OF GALVESTON COUNTY, TX.  
*[Signature]*

CAUSE NO. 09CV1729

CARNIVAL CORPORATION;  
ROYAL CARIBBEAN CRUISES, LTD.;  
and THE FLORIDA-CARIBBEAN  
CRUISE ASSOCIATION,

Plaintiffs

vs.

THE BOARD OF PILOT COMMISSIONERS  
FOR GALVESTON COUNTY PORTS;  
VANDY ANDERSON; JAMES E. TOUPS;  
SALLY H. PRILL; EDDIE JANEK; and  
DIANE KERKHOVE

Respondents.

§ IN THE DISTRICT COURT OF

§ GALVESTON COUNTY, TEXAS

§ 212<sup>th</sup> JUDICIAL DISTRICT

**ORDER GRANTING TEMPORARY RESTRAINING ORDER**

The Board of Trustees of the Galveston Wharves, also known as the Port of Galveston (hereafter "Port of Galveston") and Galveston Port Facilities Corporation (hereafter "GPFC"), Intervenors in this cause, have filed a verified Petition for a Temporary Injunction and, in connection therewith, have presented a request for a Temporary Restraining Order, as set out in their Petition in Intervention filed in this cause. It clearly appears from the facts set forth in their verified Petition that the Board of Pilot Commissioners of Galveston County (the "Pilot Board") previously voted to eliminate the requirement of a second pilot on certain cruise line vessels calling on the Port of Galveston, that the Pilot Board has failed to amend and update its tariff rate schedule to reflect this vote, and that within one (1) year of the date of that vote the Pilot Board initially convened a hearing on a new application for rate increase filed by the Galveston County Pilots, that the Pilot Board has not agreed to postpone or abate that hearing pending a determination by this Court, and that unless the Board of Pilot Commissioners of Galveston

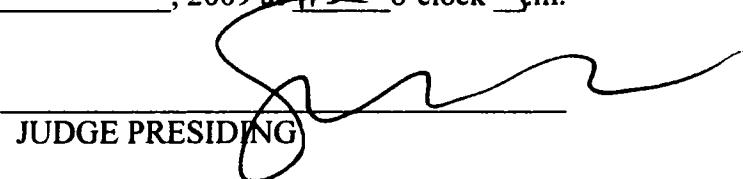
County are immediately restrained from conducting the hearing, the Board intends to proceed before Notice can be given and a hearing is held on Intervenors' Motion for a Temporary Injunction, pending in this Court, causing Intervenors to suffer irreparable injury. Further, they require protection in order to fully preserve this Court's jurisdiction over these issues, pending trial on the merits of this Cause.

IT IS THEREFORE ORDERED that Vandy Anderson, Sally Prill, Eddie Janek, James Toups and Diane Kerkhove, as members of the Board of Pilot Commissioners of Galveston County, be, and hereby are commanded forthwith to desist and refrain from holding any hearings on Applications for Rate Increases filed by the Galveston County Pilots from the date of entry of this Order until and to the fourteenth (14) day after entry hereof, or until further Order of this Court.

IT IS FURTHER ORDERED that Vandy Anderson, Sally Prill, Eddie Janek, James Toups and Diane Kerkhove, as members of the Board of Pilot Commissioners of Galveston County, appear before me, Judge of the above-named Court on 11-23-09, 2009 at 9:30 o'clock A.m. in the Courtroom of the 212<sup>th</sup> District Court in the Galveston County Justice Center in Galveston, Galveston County, Texas, then and there to show cause, if any there be, why a temporary injunction should not be issued as requested by the Intervenors. The Clerk of the Court is hereby directed to issue a Show Cause Notice to Defendants to appear at the Temporary Injunction hearing. The Clerk of the above-entitled Court shall forthwith, on the filing by Intervenors of the Bond hereinafter required, and on approving same according to the law, issue a Temporary Restraining Order in conformity with the law, and the terms of this Order.

This Order shall not be effective unless and until Intervenors execute and file with the Clerk a Bond, in conformity with the law, in the amount of Two Hundred Fifty dollars (\$250.00).

Signed this 1 day of Nov, 2009 at 1:50 o'clock pm.

  
JUDGE PRESIDING

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

**REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST (each citation, precept or TRO \$8.00)**

Case Number 09CV 1729 in the 2124n Court of Galveston County, Texas

Type of service requested – please check each type when requesting multiple service documents

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name James E. Toups

By serving, it's \_\_\_\_\_

Address 2022 Morning lake Drive

City, State, Zip League City, TX. 77573

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested  
*Process Server*

Call Attorney for pick up @ phone number  
409 938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid \_\_\_\_\_

Amount/Method of payment \_\_\_\_\_

Signature of attorney requesting issuance of service

*\*Service will not be issued without signature*

*Jeanne Robison*  
CLERK  
GALVESTON COUNTY, TX  
NOV 6 2009  
AM 3:33  
CC: 344-610460



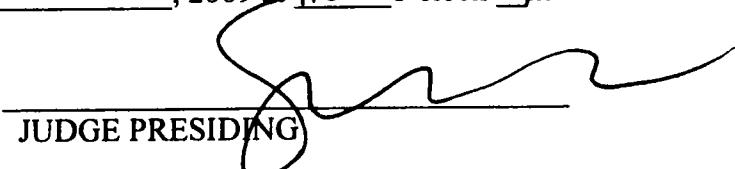
County are immediately restrained from conducting the hearing, the Board intends to proceed before Notice can be given and a hearing is held on Intervenors' Motion for a Temporary Injunction, pending in this Court, causing Intervenors to suffer irreparable injury. Further, they require protection in order to fully preserve this Court's jurisdiction over these issues, pending trial on the merits of this Cause.

IT IS THEREFORE ORDERED that Vandy Anderson, Sally Prill, Eddie Janek, James Toups and Diane Kerkhove, as members of the Board of Pilot Commissioners of Galveston County, be, and hereby are commanded forthwith to desist and refrain from holding any hearings on Applications for Rate Increases filed by the Galveston County Pilots from the date of entry of this Order until and to the fourteenth (14) day after entry hereof, or until further Order of this Court.

IT IS FURTHER ORDERED that Vandy Anderson, Sally Prill, Eddie Janek, James Toups and Diane Kerkhove, as members of the Board of Pilot Commissioners of Galveston County, appear before me, Judge of the above-named Court on 11-23-09, 2009 at 9:30'clock A.m. in the Courtroom of the 212<sup>th</sup> District Court in the Galveston County Justice Center in Galveston, Galveston County, Texas, then and there to show cause, if any there be, why a temporary injunction should not be issued as requested by the Intervenors. The Clerk of the Court is hereby directed to issue a Show Cause Notice to Defendants to appear at the Temporary Injunction hearing. The Clerk of the above-entitled Court shall forthwith, on the filing by Intervenors of the Bond hereinafter required, and on approving same according to the law, issue a Temporary Restraining Order in conformity with the law, and the terms of this Order.

This Order shall not be effective unless and until Intervenors execute and file with the Clerk a Bond, in conformity with the law, in the amount of Two Hundred Fifty dollars (\$250.00).

Signed this 1 day of Nov, 2009 at 11:50 o'clock 5m.

  
JUDGE PRESIDING

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

**REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST** (each citation, precept or TRO \$8.00)

Case Number 09CV 1729 in the 212th Court of Galveston County, Texas

Type of service requested – please check each type when requesting multiple service documents

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Diane Kerkhove

By serving, it's \_\_\_\_\_

Address 109 Royal Drive

City, State, Zip League City, TX 77573

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff.

District Clerk to serve via certified mail return receipt requested

process server

Call Attorney for pick up @ phone number

(409) 938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid \_\_\_\_\_ Amount/Method of payment \_\_\_\_\_

Signature of attorney requesting issuance of service

\*Service will not be issued without signature

REC'D - 9 PM 3:39  
NOV - 9 2009  
DISTRICT CLERK  
GALVESTON COUNTY, TX  
*L. Lewis Robison*

CAUSE NO. 09CV1729

CARNIVAL CORPORATION; § IN THE DISTRICT COURT OF  
ROYAL CARIBBEAN CRUISES, LTD.; §  
and THE FLORIDA-CARIBBEAN §  
CRUISE ASSOCIATION, §  
§

Plaintiffs §  
vs. § GALVESTON COUNTY, TEXAS  
§

THE BOARD OF PILOT COMMISSIONERS §  
FOR GALVESTON COUNTY PORTS; §  
VANDY ANDERSON; JAMES E. TOUPS; §  
SALLY H. PRILL; EDDIE JANEK; and §  
DIANE KERKHOVE §

Respondents. § 212<sup>th</sup> JUDICIAL DISTRICT

**ORDER GRANTING TEMPORARY RESTRAINING ORDER**

The Board of Trustees of the Galveston Wharves, also known as the Port of Galveston (hereafter "Port of Galveston") and Galveston Port Facilities Corporation (hereafter "GPFC"), Intervenors in this cause, have filed a verified Petition for a Temporary Injunction and, in connection therewith, have presented a request for a Temporary Restraining Order, as set out in their Petition in Intervention filed in this cause. It clearly appears from the facts set forth in their verified Petition that the Board of Pilot Commissioners of Galveston County (the "Pilot Board") previously voted to eliminate the requirement of a second pilot on certain cruise line vessels calling on the Port of Galveston, that the Pilot Board has failed to amend and update its tariff rate schedule to reflect this vote, and that within one (1) year of the date of that vote the Pilot Board initially convened a hearing on a new application for rate increase filed by the Galveston County Pilots, that the Pilot Board has not agreed to postpone or abate that hearing pending a determination by this Court, and that unless the Board of Pilot Commissioners of Galveston

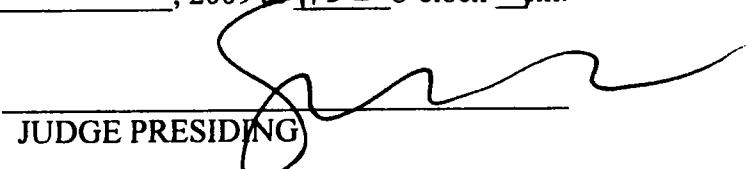
County are immediately restrained from conducting the hearing, the Board intends to proceed before Notice can be given and a hearing is held on Intervenors' Motion for a Temporary Injunction, pending in this Court, causing Intervenors to suffer irreparable injury. Further, they require protection in order to fully preserve this Court's jurisdiction over these issues, pending trial on the merits of this Cause.

IT IS THEREFORE ORDERED that Vandy Anderson, Sally Prill, Eddie Janek, James Toups and Diane Kerkhove, as members of the Board of Pilot Commissioners of Galveston County, be, and hereby are commanded forthwith to desist and refrain from holding any hearings on Applications for Rate Increases filed by the Galveston County Pilots from the date of entry of this Order until and to the fourteenth (14) day after entry hereof, or until further Order of this Court.

IT IS FURTHER ORDERED that Vandy Anderson, Sally Prill, Eddie Janek, James Toups and Diane Kerkhove, as members of the Board of Pilot Commissioners of Galveston County, appear before me, Judge of the above-named Court on 11-23-09, 2009 at 9:30 o'clock ~~9:30~~ A.m. in the Courtroom of the 212<sup>th</sup> District Court in the Galveston County Justice Center in Galveston, Galveston County, Texas, then and there to show cause, if any there be, why a temporary injunction should not be issued as requested by the Intervenors. The Clerk of the Court is hereby directed to issue a Show Cause Notice to Defendants to appear at the Temporary Injunction hearing. The Clerk of the above-entitled Court shall forthwith, on the filing by Intervenors of the Bond hereinafter required, and on approving same according to the law, issue a Temporary Restraining Order in conformity with the law, and the terms of this Order.

This Order shall not be effective unless and until Intervenors execute and file with the Clerk a Bond, in conformity with the law, in the amount of Two Hundred Fifty dollars (\$250.00).

Signed this 1 day of Nov, 2009 at 1150 o'clock 5m.

  
JUDGE PRESIDING

Citation Personal Service

CITATION  
THE STATE OF TEXAS  
CASE NO. 09CV1729 - 212TH District Court

CARNIVAL CORPORATION, ET AL

Certified Article Number

7160 3901 9845 1293 9410

SENDERS RECORD

VS.

## BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

Issued To: SALLY H. PRILL, 20 ADLER CIRCLE, GALVESTON, TEXAS 77551

Defendant Greetings:

**NOTICE TO DEFENDANT:** You have been sued. You may employ an Attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. The First Amended petition was filed on the 29<sup>TH</sup> day of October 2009 in cause number 09CV1729 pending before the 212TH District Court of Galveston County, Texas. See attached First Amended Pétition for named parties to the suit.

The name and address of the Pro Se party or Attorney: JUSTIN W.R. RENSHAW, 1331 LAMAR, SUITE 1560, HOUSTON, TEXAS 77010

The nature of the demand of the Plaintiff is shown by a true and correct copy of the First Amended Petition attached to this citation.

If this citation is not served it shall be returned unserved.

Issued and given under my hand and seal of Court at Office, on NOVEMBER 4, 2009 A.D.

A Status Conference is set for: 12-23-2009 AT 9:00 A.M.

Please refer to and complete the attached Status Conference Sheet. Upon completion, please return to Clerk of Court.

LATONIA D. WILSON, District Clerk, Galveston County, Texas,  
600 59<sup>th</sup> Street, Suite 4001, Galveston, Texas 77551

By

Lelia Stubblefield, Deputy Clerk

## OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock at \_\_\_\_\_. Executing  
Within the County of Galveston, at \_\_\_\_\_ o'clock \_\_\_\_\_. M. on the 10 day of  
November, 2009. By delivering to the within the named Defendant by serving at:

20 Adler Circle, Galveston, TX 77551  
Each in person a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.  
Total fee for serving citation \$ 105.00

Latoria D. Wilson  
Name of Officer or Authorized & Disinterested Person  
Galveston, County, Texas

By: Lelia Stubblefield, Signature of Deputy of Authorized & Disinterested Person  
Authorized & Disinterested person's Verification:

On this the day personally appeared \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this the \_\_\_\_\_ day of \_\_\_\_\_,

Notary's Name Printed: \_\_\_\_\_

Notary Public in and for the State of Texas  
Commission Expires: \_\_\_\_\_

LATONIA D. WILSON  
CLERK DISTRICT COURT  
FILED

NOV 09 2009  
Clerk  
S. E.

GALVESTON COUNTY, TEXAS  
BY Lelia Stubblefield  
Deputy

11/8/09  
Notary

|   |  |   |  |
|---|--|---|--|
| 2. Article Number   |  | 3. Article Addressed To:  |  |
| <br><b>7160 3901 9845 1293 9410</b>      |  | <b>SALLY H. PRILL<br/>20 ADLER CIRCLE<br/>GALVESTON, TX 77551</b> |  |
| 4. Restricted Delivery? (Extra Fee)   |  | <input type="checkbox"/> Yes                                      |  |
| <b>5. Service Type: CERTIFIED MAIL</b>  |  |   |  |
| <b>A. Mailed by (Please Print Clearly)</b><br><i>Sally H. Prill</i>   |  |   |  |
| <b>B. Date of Delivery</b><br><b>11-6-9</b>   |  |   |  |
| <b>C. Signature</b><br><b>X</b>   |  |   |  |
| <b>D. Is delivery address different from Item 1?<br/>If YES, enter delivery address below:</b><br><i>09CV1724 - 21271</i> |  |   |  |
| <b>E. Agree<br/>Address<br/>Delivery<br/>Information</b>  |  |   |  |
| <b>F. Yes</b><br><b>No</b>  |  |   |  |
| <b>Reference Information</b><br><b>09CV1724 - 21271</b><br><b>Sender: Lelia Stubblefield</b>                              |  |   |  |

**PS Form 3811, January 2005**      **Domestic Return Receipt**

CITATION  
THE STATE OF TEXAS  
CASE NO. 09CV1729 - 212TH District Court

CARNIVAL CORPORATION, ET AL

VS.

Certified Article Number  
**7160 3901 9845 1293 9373**  
 SENDER'S RECORD

## BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

Issued To: JAMES E. TOUPS, 2022 MORNING LAKE DRIVE, LEAGUE CITY, TEXAS 77573

## Defendant Greetings:

**NOTICE TO DEFENDANT:** You have been sued. You may employ an Attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. The First Amended petition was filed on the 29<sup>TH</sup> day of October 2009 in cause number 09CV1729 pending before the 212TH District Court of Galveston County, Texas. See attached First Amended Petition for named parties to the suit.

The name and address of the Pro Se party or Attorney: JUSTIN W.R. RENSHAW, 1331 LAMAR, SUITE 1560, HOUSTON, TEXAS 77010

The nature of the demand of the Plaintiff is shown by a true and correct copy of the First Amended Petition attached to this citation.

If this citation is not served it shall be returned unserved.

Issued and given under my hand and seal of Court at Office, on NOVEMBER 4, 2009 A.D.

A Status Conference is set for: 12-23-2009 AT 9:00 A.M.

Please refer to and complete the attached Status Conference Sheet. Upon completion, please return to Clerk of Court.

LATONIA D. WILSON, District Clerk, Galveston County, Texas,  
600 59<sup>th</sup> Street, Suite 4001, Galveston, Texas 77551

By: *Lelia Stubblefield*  
 Lelia Stubblefield, Deputy Clerk

## OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock at \_\_\_\_\_. Executing  
 Within the County of Brazoria, at \_\_\_\_\_ o'clock \_\_\_\_\_. M. on the 10th day of  
November 2009. By delivering to the within the named Defendant by serving at:  
2022 morning lake drive league city, tx 77573  
 Each in person a true copy of this citation together with the accompanying copy of the petition, having first attached  
 such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.  
 Total fee for serving citation \$ 10.50

*Latoria D. Wilson*  
 Name of Officer or Authorized & Disinterested Person  
Brazoria, County, Texas

By: *Lelia Stubblefield*, Signature of Deputy of Authorized & Disinterested Person  
 Authorized & Disinterested person's Verification:

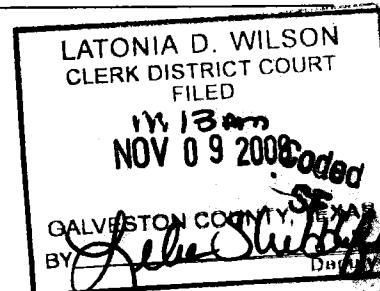
On this the day personally appeared \_\_\_\_\_, known to me to be the person  
 whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was  
 executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this the \_\_\_\_\_ day of \_\_\_\_\_,

Notary's Name Printed: \_\_\_\_\_

Notary Public in and for the State of Texas  
 Commission Expires: \_\_\_\_\_

*11/30/09*



7160 3901 9845 1293 9373

3. Service Type: CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

1. Article Addressed to:

JAMES E. TOUPS  
2022 MORNING LAKE DRIVE  
LEAGUE CITY, TX 77573

LEAGUE CITY TX  
NOV 6 2009  
8688-2191  
USPS

Postage Paid by (Please Print Name)  
*James Toups*

Delivery Address  
*James Toups*

Agent  
 Addressee

Yes  
 No

D. Is delivery address different from Item 1?  
If YES, enter delivery address below:

Reference Information

09CV1729-212TH

Sender Lelia Stubblefield

PS Form 3601, January 2005.

Domestic Return Receipt

7160 3901 9845 1293 9373

TO: JAMES E. TOUPS  
2022 MORNING LAKE DRIVE  
LEAGUE CITY, TX 77573

SENDER: Sender Lelia Stubblefield

REFERENCE: 09CV1729-212TH

| PS Form 3601, January 2005 |                  |
|----------------------------|------------------|
| RETURN POSTAGE             | POSTMARK OR DATE |
| RECEIPT CERTIFIED SERVICE  | 0.39             |
| Return Receipt Fee         | 2.40             |
| Restricted Delivery        | 0.00             |
| Total Postage & Fees       | 0.00             |
|                            | 2.79             |

US Postal Service  
**Receipt for  
Certified Mail**  
No Insurance Coverage Provided  
Do Not Use for International Mail

CITATION  
THE STATE OF TEXAS  
CASE NO. 09CV1729 - 212TH District Court

CARNIVAL CORPORATION, ET AL

VS.

Certified Article Number

7160 3901 9845 1293 9397

SENDERS RECORD

BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

Issued To: EDDIE JANEK, 7908 CHANNELVIEW DRIVE, GALVESTON, TEXAS 77554

Defendant Greetings:

NOTICE TO DEFENDANT: You have been sued. You may employ an Attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. The First Amended petition was filed on the 29<sup>TH</sup> day of October 2009 in cause number 09CV1729 pending before the 212TH District Court of Galveston County, Texas. See attached First Amended Petition for named parties to the suit.

The name and address of the Pro Se party or Attorney: JUSTIN W.R. RENSHAW, 1331 LAMAR, SUITE 1560, HOUSTON, TEXAS 77010

The nature of the demand of the Plaintiff is shown by a true and correct copy of the First Amended Petition attached to this citation.

If this citation is not served it shall be returned unserved.

Issued and given under my hand and seal of Court at Office, on NOVEMBER 4, 2009 A.D.

A Status Conference is set for: 12-23-2009 AT 9:00 A.M.

Please refer to and complete the attached Status Conference Sheet. Upon completion, please return to Clerk of Court.

LATONIA D. WILSON, District Clerk, Galveston County, Texas,  
600 59<sup>th</sup> Street, Suite 4001, Galveston, Texas 77551

By:

*Lelia Stubblefield*  
Lelia Stubblefield, Deputy Clerk

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock at \_\_\_\_ M. Executing  
Within the County of Galveston, at \_\_\_\_\_ o'clock \_\_\_\_\_.M. on the 10 day of  
November, 2009. By delivering to the within named Defendant by serving at:

1908 Channelview Drive, Galveston, Texas 77554  
Each in person a true copy of this citation together with the accompanying copy of the petition, having first attached  
such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving citation \$ 6.00

*Latonia D. Wilson*  
Name of Officer or Authorized & Disinterested Person  
County, Texas

By: *Lelia Stubblefield*, Signature of Deputy of Authorized & Disinterested Person

Authorized & Disinterested person's Verification:

On this the day personally appeared \_\_\_\_\_, known to me to be the person  
whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was  
executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this the \_\_\_\_\_ day of \_\_\_\_\_,

Notary's Name Printed: \_\_\_\_\_

Notary Public in and for the State of Texas \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

*11/30/09*

*Note  
by*

11:13 am  
NOV 09 2009 Coded  
GALVESTON COUNTY, TEXAS  
BY *Lelia Stubblefield* Deputy

7160 3901 9845 1293 9397

|   |  |       |
|---|--|-------|
| A. Recipient by (Please Print Clearly)  |  | 11-06 |
| C. Signature<br><i>Leila Stubblefield</i>   |  |       |
| <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No   |  |       |
| D. Is this a return address different from Item 1?<br>If yes, give the return address below:  |  |       |
| 3. Service Type: CERTIFIED MAIL<br>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> No<br>1. Article Addressed to:<br><br><b>EDDIE JANEK<br/>7908 CHANNELVIEW DRIVE<br/>GALVESTON, TX 77554</b> |  |       |
| <b>Reference Information</b><br>09CV1729-212TH<br>Sender Leila Stubblefield   |  |       |
| PS Form 3811, January 2005 Domestic Return Receipt  |  |       |

7160 3901 9845 1293 9397

|   |   |
|---|---|
| SENDER:   |   |
| Sender Leila Stubblefield   |   |
| REFERENCE:  |   |
| 09CV1729-212TH  |   |
| PS Form 3800, January 2005  |   |
| POSTMARK OR DATE 79   |   |
| <b>US Postal Service<br/>Receipt for<br/>Certified Mail</b>         |   |
| No Insurance Coverage Provided<br>Do Not Use for International Mail |   |
| RETURN<br>RECEIPT<br>SERVICE  | Postage<br>Certified Fee<br>Return Receipt Fee<br>Restricted Delivery |
|   | 0.39<br>2.40<br>0.00<br>0.00  |
| Total Postage & Fees  |   |

Citation Personal Service

CITATION  
THE STATE OF TEXAS  
CASE NO. 09CV1729 - 212TH District Court

CARNIVAL CORPORATION, ET AL

VS.

Certified Article Number

7160 3901 7445 1293 7380

SENDERS RECORD

## BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

Issued To: VANDY ANDERSON, 6917 WEIS DRIVE, GALVESTON, TEXAS 77551

Defendant Greetings:

**NOTICE TO DEFENDANT:** You have been sued. You may employ an Attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. The First Amended petition was filed on the 29<sup>TH</sup> day of October 2009 in cause number 09CV1729 pending before the 212TH District Court of Galveston County, Texas. See attached First Amended Petition for named parties to the suit.

The name and address of the Pro Se party or Attorney: JUSTIN W.R. RENSHAW, 1331 LAMAR, SUITE 1560, HOUSTON, TEXAS 77010

The nature of the demand of the Plaintiff is shown by a true and correct copy of the First Amended Petition attached to this citation.

If this citation is not served it shall be returned unserved.

Issued and given under my hand and seal of Court at Office, on NOVEMBER 4, 2009 A.D.

A Status Conference is set for: 12-23-2009 AT 9:00 A.M.

Please refer to and complete the attached Status Conference Sheet. Upon completion, please return to Clerk of Court.

LATONIA D. WILSON, District Clerk, Galveston County, Texas,  
600 59<sup>th</sup> Street, Suite 4001, Galveston, Texas 77551

By:

Lelia Stubblefield, Deputy Clerk

## OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock at \_\_\_\_ M. Executing  
Within the County of Galveston, at \_\_\_\_\_ o'clock \_\_\_\_ M. on the 10th day of  
November 2009. By delivering to the within the named Defendant by serving at:  
6917 Weis Drive, Galveston, Texas 77551

Each in person a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.  
Total fee for serving citation \$ 0.00

Name of Officer or Authorized & Disinterested Person  
Latonia D. Wilson, County, Texas

By: Lelia Stubblefield, Signature of Deputy of Authorized & Disinterested Person

Authorized & Disinterested person's Verification:

On this the day personally appeared \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this the \_\_\_\_\_ day of \_\_\_\_\_,

Notary's Name Printed: \_\_\_\_\_

Notary Public in and for the State of Texas \_\_\_\_\_

Commission Expires: \_\_\_\_\_

11/30/09

Mated  
by

|   |  |
|---|--|
| LATONIA D. WILSON<br>CLERK DISTRICT COURT<br>FILED                |  |
| 11:30am<br>NOV 09 2009<br>Coded                                   |  |
| GALVESTON COUNTY, TEXAS<br>BY <u>Lelia Stubblefield</u><br>Deputy |  |

|   |  |   |  |
|---|--|---|--|
| 2. Article Number<br><br>7160 3901 9845 1293 9380  |  | 3. Recipient Name<br>VANDY ANDERSON<br>6917 WEIS DRIVE<br>GALVESTON, TX 77551 |  |
|   |  | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes              |  |
| 5. Article Addressed to:<br><br>VANDY ANDERSON<br>6917 WEIS DRIVE<br>GALVESTON, TX 77551  |  |   |  |
| 6. To delivery address same as from Item 1?<br>If YES, enter delivery address below:<br><br>7. Signature<br> |  |   |  |
| 8. To delivery address same as from Item 1?<br>If YES, enter delivery address below:<br><br>9. Reference Information<br>09CV1729-212TH<br>Sender Lelia Stubblefield                             |  |   |  |

POSTMARK OR DATE: 2/7/09

|   |                      |
|---|----------------------|
| PS Form 3600, January 2005  |                      |
| RETURN RECEIPT SERVICE  | Postage              |
|   | Certified Fee        |
|   | 0.39                 |
|   | Return Receipt Fee   |
|   | 2.40                 |
|   | Restricted Delivery  |
|   | 0.00                 |
|   | Total Postage & Fees |
|   | 0.00                 |
| US Postal Service<br>Receipt for<br>Certified Mail                  |                      |
| POSTMARK OR DATE: 2/7/09  |                      |
| No Insurance Coverage Provided<br>Do Not Use for International Mail |                      |

CITATION

THE STATE OF TEXAS  
CASE NO. 09CV1729 - 212TH District Court

CARNIVAL CORPORATION, ET AL

Certified Article Number

7160 3901 9845 1293 9366

SENDERS RECORD

VS.

BOARD OF PILOT COMMISSIONERS FOR GALVESTON COUNTY PORTS

Issued To: DIANE KERKHOVE, 109 ROYAL DRIVE, LEAGUE CITY, TEXAS 77573

Defendant Greetings:

NOTICE TO DEFENDANT: You have been sued. You may employ an Attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. The First Amended petition was filed on the 29<sup>TH</sup> day of October 2009 in cause number 09CV1729 pending before the 212TH District Court of Galveston County, Texas. See attached First Amended Petition for named parties to the suit.

The name and address of the Pro Se party or Attorney: JUSTIN W.R. RENSHAW, 1331 LAMAR, SUITE 1560, HOUSTON, TEXAS 77010

The nature of the demand of the Plaintiff is shown by a true and correct copy of the First Amended Petition attached to this citation.

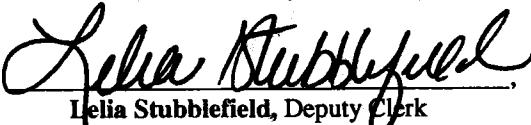
If this citation is not served it shall be returned unserved.

Issued and given under my hand and seal of Court at Office, on NOVEMBER 4, 2009 A.D.

A Status Conference is set for: 12-23-2009 AT 9:00 A.M.

Please refer to and complete the attached Status Conference Sheet. Upon completion, please return to Clerk of Court.

LATONIA D. WILSON, District Clerk, Galveston County, Texas,  
600 59<sup>th</sup> Street, Suite 4001, Galveston, Texas 77551

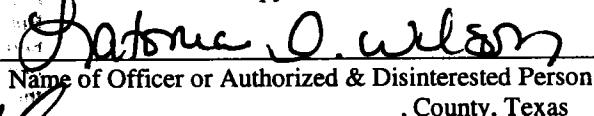
By:   
Lelia Stubblefield, Deputy Clerk

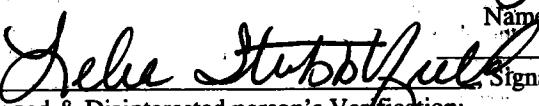
OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock at \_\_\_\_ M. Executing  
Within the County of Galveston, at \_\_\_\_\_ o'clock \_\_\_\_\_.M. on the 10/09 day of  
November 2009. By delivering to the within the named Defendant by serving at:  
109 Royal Ave, League City, Texas 77573

Each in person a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving citation \$ 10.00

  
Name of Officer or Authorized & Disinterested Person  
, County, Texas

By:  Signature of Deputy of Authorized & Disinterested Person

Authorized & Disinterested person's Verification:

On this the day personally appeared Latonia D. Wilson, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

Sworn to and subscribed before me, on this the \_\_\_\_\_ day of \_\_\_\_\_,

Notary's Name Printed: \_\_\_\_\_

Notary Public in and for the State of Texas \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

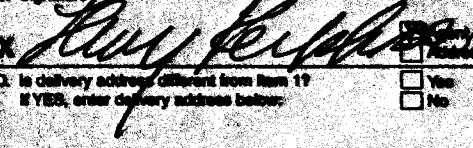
11/30/09

Noted by

11/30/09

NOV 09 2009

GALVESTON COUNTY, TEXAS  
CLERK DISTRICT COURT  
FILED  
BY 

|  |   |  |
|--|---|--|
| 2. Article Number:   |  |  |
|  |   | 3. Recipient Name: Diane Kerkhove                  |
|  |   | 4. Address: 109 Royal Drive, League City, TX 77573 |
|  |   | 5. ZIP Code: 77573                                 |
| 6. Service Type: CERTIFIED MAIL  |   |  |
| 7. Restricted Delivery? (Extra Fee) <input type="checkbox"/>   |   |  |
| 8. Signature:                    |   |  |
| 9. Date of Delivery: 11/6/09   |   |  |
| 10. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |  |
| 11. If YES, enter delivery address below:  |   |  |
| 12. Reference Information: 09CV1729-212TH  |   |  |
| 13. Sender: Lelia Stubblefield   |   |  |

NOV 6 2009  
8888-212  
USPS

PS Form 3611, January 2005 Domestic Return Receipt

|   |   |   |
|---|---|---|
| TO:<br>DIANE KERKHOVE<br>109 ROYAL DRIVE<br>LEAGUE CITY, TX 77573 |   | SENDER:<br>Sender Lelia Stubblefield                                |
|   |   | REFERENCE:<br>09CV1729-212TH  |
| PS Form 3600, January 2005  |   | POSTMARK OR DATE  |
| RETURN<br>RECEIPT<br>SERVICE                                      | Postage<br>Certified Fee<br>Return Receipt Fee<br>Restricted Delivery | 0.39<br>2.40<br>0.00<br>0.00<br>Total Postage & Fees 2.79           |
| US Postal Service<br><b>Receipt for<br/>Certified Mail</b>        |   | No Insurance Coverage Provided<br>Do Not Use for International Mail |

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

## **REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST** (each citation, precept or TRO \$8.00)

Case Number 09CV1729 in the 2124th Court of Galveston County, Texas

**Type of service requested – please check each type when requesting multiple service documents**

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

## Temporary Restraining Order/Temporary Injunction

**Other – please specify** \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Diane Kerkhove

**By serving, it's**

**Address** 109 Royal Drive

**City, State, Zip** League City, TX. 77573

**Upon completion of issuance I request that (check only one) the clerk to**

Send to the Galveston County Sheriff.

District Clerk to serve via certified mail return receipt requested

process server

Call Attorney for pick up @ phone number

(409) 938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

**Date fees paid** \_\_\_\_\_ **Amount/Method of payment**

**Amount/Method of payment**

**Signature of attorney requesting issuance of service**

**\*Service will not be issued without signature**

1110109 VM KTRU@8wpp(5)

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

**REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST (each citation, precept or TRO \$8.00)**

Case Number 09CV 1729 in the 2124n Court of Galveston County, Texas

Type of service requested – please check each type when requesting multiple service documents

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name James E. Toups

By serving, it's \_\_\_\_\_

Address 2022 Morning Lake Drive

City, State, Zip League City, TX. 77573

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested  
Process Server

Call Attorney for pick up @ phone number  
409 938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address

Date fees paid \_\_\_\_\_ Amount/Method of payment \_\_\_\_\_

Signature of attorney requesting issuance of service \_\_\_\_\_

\*Service will not be issued without signature

11 NOV -09  
DISTRICT CLERK  
CALVESTON COUNTY, TX  
J.S.  
P.M.  
3:36

11/10/09 ~ 11/10/09 e 8w PP(18)

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

**REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST (each citation, precept or TRO \$8.00)**

Case Number 09 CN 1729 in the 212<sup>th</sup> Court of Galveston County, Texas

Type of service requested – please check each type when requesting multiple service documents

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Yandy Anderson

By serving, it's \_\_\_\_\_

Address 6917 Weis Drive

City, State, Zip Galveston, Tx. 77551

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Process Server  
Call Attorney for pick up @ phone number  
409-938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid \_\_\_\_\_ Amount/Method of payment \_\_\_\_\_

Signature of attorney requesting issuance of service

\*Service will not be issued without signature

09 NOV -9 PH 3:36  
Laurie O'Brien  
DISTRICT CLERK  
GALVESTON COUNTY, TX

11/10/09 ~ 11C TRO @ 8w pp@

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

**REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST (each citation, precept or TRO \$2.00)**

Case Number 09CV1729 in the 212<sup>4th</sup> Court of Galveston County, Texas

Type of service requested – please check each type when requesting multiple service documents

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Sally H. Price

By serving, it's \_\_\_\_\_

Address 20 Adler Circle

City, State, Zip Galveston, TX. 77551

Upon completion of issuance I request that (check only one) the clerk to

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Process Server  
Call Attorney for pick up @ phone number  
(409) 938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address

Date fees paid \_\_\_\_\_ Amount/Method of payment \_\_\_\_\_

|  |                       |
|--|-----------------------|
| Signature of attorney requesting issuance of service | <i>Laurie Robison</i> |
| *Service will not be issued without signature        |                       |

69 Nov 9 PH 3:36  
DISTRICT CLERK  
GALVESTON COUNTY, TX.

11/10/09 VM 11c Tr e8w Ap (S)

**STAPLE ON OUTSIDE OF FILE UNTIL SERVICE IS ISSUED**

**REQUEST FOR ISSUANCE OF SERVICE**

**DATE OF REQUEST** 11-9-09

**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST (each citation, precept or TRO \$8.00)**

Case Number 09 CV 1729 in the 2124n Court of Galveston County, Texas

**Type of service requested – please check each type when requesting multiple service documents**

Citation (serves copy of Petition)

Precept (serves copy of a hearing/show cause order or other document)

Temporary Restraining Order/Temporary Injunction

Other – please specify \_\_\_\_\_

**ISSUE SERVICE TO:**

Name Eddie Janek

By serving, it's \_\_\_\_\_

Address 7908 Channelview Drive

City, State, Zip Galveston, TX. 77554

**Upon completion of issuance I request that (check only one) the clerk to**

Send to the Galveston County Sheriff

District Clerk to serve via certified mail return receipt requested

Process Server

Call Attorney for pick up @ phone number  
(409) 938-8044 (Evelyn Robison)

Mail to Attorney at address shown in the petition

Send to the Galveston County Constable's office precinct # \_\_\_\_\_ located at address \_\_\_\_\_

Date fees paid \_\_\_\_\_

Amount/Method of payment \_\_\_\_\_

Signature of attorney requesting issuance of service

\*Service will not be issued without signature

69 NOV -9 PM 3:36

JC  
DISRICT CLERK  
GALVESTON COUNTY, TX  
R. Klein

11/10/09 m 11/c TRO PP@8w(3)

CAUSE NO.

09CV1729

CARNIVAL CORPORATION;  
ROYAL CARIBBEAN CRUISES, LTD.;  
and THE FLORIDA-CARIBBEAN  
CRUISE ASSOCIATION,

Petitioners

vs.

THE BOARD OF PILOT COMMISSIONERS  
FOR GALVESTON COUNTY PORTS;  
VANDY ANDERSON; JAMES E. TOUPS;  
SALLY H. PRILL; EDDIE JANEK; and  
DIANE KERKHOVE,

Respondents.

IN THE DISTRICT COURT OF

GALVESTON COUNTY, TEXAS

212th JUDICIAL DISTRICT

**ORIGINAL PETITION FOR JUDICIAL REVIEW**

Carnival Corporation; Royal Caribbean Cruises, Ltd.; and the Florida-Caribbean Cruise Association, for their Petition for Judicial Review of proceedings conducted before the Board of Pilot Commissioners for Galveston County Ports (the "Board"), respectfully state as follows:

**A.  
DISCOVERY CONTROL PLAN**

1. Petitioners intend to conduct discovery in this matter under Level 3. TEX. R. CIV. P. 190.4(a).

**B.  
PARTIES AND SERVICE OF PROCESS**

2. Petitioner Carnival Corporation ("Carnival") is a Panamanian corporation with offices in Miami, Florida and London, England. Carnival does business in Galveston County through its member line Carnival Cruise Lines. Carnival was an

SLC 12-23-09

HJ Del

CV 2012.09

objecting party at rate proceedings concluded by the Board August 24, 2009 and is otherwise entitled to maintain this action.

3. Petitioner Royal Caribbean Cruises Ltd. ("Royal Caribbean") is a Liberian corporation with offices in Miami, Florida. Royal Caribbean does business in Galveston County through its member line Royal Caribbean International. Royal Caribbean was an objecting party at rate proceedings concluded by the Board concluded August 24, 2009 and is otherwise entitled to maintain this action.

4. Petitioner Florida-Caribbean Cruise Association ("FCCA") is a non-profit trade organization of 15 member cruise lines with an office in Pembroke Pines, Florida. The FCCA was an objecting party at rate proceedings concluded by the Board August 24, 2009 and is otherwise entitled to maintain this action.

5. Respondent Board of Pilot Commissioners for Galveston County Ports is a body existing pursuant to Chapter 67 of the Texas Transportation Code. *See* TEX. TRANSP. CODE §67.011. The Board does not maintain a registered agent for service and, as a result, Petitioners have named the individual Commissioners as additional Respondents only in their capacities as Commissioners. A courtesy copy of this Petition will be served on the Texas Attorney General, whose office has been assisting the Board, at 300 West 15<sup>th</sup> Street, Austin, Texas 78701, Attn. Mr. James Crowson.

6. Respondent Vandy Anderson was at all times relevant to this matter the acting Chairman of the Board. Mr. Anderson is being sued in his representative capacity only. Mr. Anderson may be served at 6917 Weis Drive, Galveston, Texas 77551 or wherever he may be found.

7. Respondent James E. Toups was at all times relevant to this matter serving as a Commissioner of the Board. Mr. Toups is being sued in his representative capacity only. Mr. Toups may be served at 2022 Morning Lake Drive, League City, Texas 77573 or wherever he may be found.

8. Respondent Sally H. Prill was at all relevant times serving as a Commissioner of the Board. Ms. Prill is being sued in her representative capacity only. Ms. Prill may be served at 20 Adler Circle, Galveston, Texas 77551 or wherever she may be found.

9. Respondent Eddie Janek was at all relevant times serving as a Commissioner of the Board. Mr. Janek is being sued in his representative capacity only. Mr. Janek may be served at 7908 Channelview Drive, Galveston, Texas 77554 or wherever he may be found.

10. Respondent Diane Kerkhove was at all relevant times serving as a Commissioner of the Board. Ms. Kerkhove is being sued in her representative capacity only. Ms. Kerkhove may be served at 109 Royal Drive, League City, Texas 77573 or wherever she may be found.

**C.  
JURISDICTION AND VENUE**

11. Jurisdiction and venue are proper in this Court pursuant to Texas Transportation Code §§67.022 and 67.067.

**D.  
BACKGROUND FACTS**

12. On or about May 1, 2009, the Galveston County Pilots, organized as the Galveston-Texas City Pilots (the "Pilots"), filed their Application for Pilotage Rate

Change with the Board seeking, among other things, an increase in charges associated with the so-called “second pilot requirement.” See the Pilots’ Application for Rate Change (the “Application”) at Paragraph XVI, page 8, attached hereto as Exhibit A and incorporated by reference for all purposes.

13. On May 19 and 20, 2009, the Board of Trustees of the Galveston Wharves (the “Port of Galveston”), the Texas City Terminal Railway Company (the “Port of Texas City”), the West Gulf Maritime Association (the “WGMA”), the FCCA, Carnival, and Royal Caribbean all filed objections to the Pilots’ Application. True and correct copies of the various objections are attached hereto as Exhibit B and incorporated by reference for all purposes.

14. The Board set a hearing on the Pilots’ Application as required by Texas Transportation Code §67.063.

15. Prior to the commencement of the hearing, the Pilots conceded that the “second pilot requirement” was not necessary for cruise ships with a length overall of 1025 feet or less. The Pilots entered into Memoranda of Understanding with both Royal Caribbean and Carnival which provided, among other things, that the parties would submit an agreed tariff to the Board effectively eliminating the second pilot requirement for all cruise ships then calling in Galveston. In exchange, Royal Caribbean and Carnival would withdraw their objections once the agreed tariff was approved by the Board. True and correct copies of the relevant Memoranda of Understanding are attached hereto as Exhibit C and incorporated by reference for all purposes.

16. Pursuant to their agreements, the Pilots, Carnival and Royal Caribbean submitted an agreed tariff to the Board on July 16, 2009, which was unanimously

accepted by the Board without objection. A true and correct copy of the "Agreed Tariff" modifying the second pilot requirement is attached hereto as Exhibit D and incorporated by reference for all purposes.

17. Based upon the Board's unanimous approval of the Agreed Tariff, Carnival and Royal Caribbean withdrew their objections to the Pilots' Application. The FCCA did not withdraw its objection as it was not a party to the Memoranda and its member lines remained in opposition to the Pilots' requested rate increase.

18. The Board continued the hearing for several days, during which the Pilots and other objectors presented their evidence. In addition to approving the Agreed Tariff, the Board ultimately voted to grant the Pilots a 5% increase in their tariff rates. However, unbeknownst to the objectors, the tariff rates were adjusted after the fact in an effort to achieve a desired "target revenue" increase, an approach not provided for by the Transportation Code.

19. The Board posted its order, which included the Agreed Tariff eliminating the second pilot requirement. True and correct copies of the Board's Notice and Order are attached hereto as Exhibit E and incorporated by reference for all purposes.

19. The Port of Galveston, Port of Texas City, and WGMA objected to the Board's Order, except with respect to the Agreed Tariff on the second pilot requirement. True and correct copies of the relevant objections are attached hereto as Exhibit F and incorporated by reference for all purposes.

20. After considering the objections and after further hearing, the Board issued yet another order, which again included the Agreed Tariff eliminating the second

pilot requirement. A true and correct copy of the Board's second Notice and Order are attached hereto as Exhibit G and incorporated by reference for all purposes.

21. Again, numerous parties objected to the proposed order, except with respect to the second pilot concession. True and correct copies of the relevant objections are attached hereto as Exhibit H and incorporated by reference for all purposes.

22. Apparently not content with the course of the proceedings, on August 24, 2009, the Pilots withdrew their Application.

23. Based upon the withdrawal, the Chairman of the Board, without calling for a vote or discussion, indicated that the Agreed Tariff eliminating the second pilot requirement would have no effect, notwithstanding the fact that the Agreed Tariff had been unanimously approved by the Board and the Board had taken absolutely no action whatsoever to vacate its prior order approving the Agreed Tariff.

**E.**  
**GROUND FOR JUDICIAL REVIEW**

24. Petitioners file this Petition for Judicial Review asking that the District Court render judgment that the Agreed Tariff eliminating the second pilot requirement is valid and enforceable and that the second pilot requirement should be eliminated for cruise ships with LOA of 1025 feet or less. The Agreed Tariff eliminating the second pilot requirement was the sole item of agreement between the parties and the Board unanimously approved it without objection. The Board has prejudiced the rights of the Petitioners by its failure to act in a manner consistent with its own ruling and by its failure to comply with the Texas Transportation Code.

25. Additionally, evidence exists that the Board violated the Texas Open Meetings Act after the Agreed Tariff was unanimously approved by secretly meeting

with the Pilots in an apparent effort to craft tariff increases to account for revenues lost as a result of the Agreed Tariff. The Board sets rates, not revenues. Furthermore, the Board cannot delegate its rule making authority to third parties, particularly the Pilots over whom it is supposed to preside. The Board's actions in this regard violate Texas law and greatly undermine the public trust.

26. Additionally, the Board's actions are not reasonably supported by substantial evidence. Although the Pilots have maintained until quite recently that the second pilot requirement is necessary for safety, it is not a safety issue and is instead a simple money grab emboldened by a state-sanctioned monopoly. The Pilots' concession in the context of rate hearings, which are purely financial, confirms that safety is not a factor on this issue. Furthermore, vessel owners and operators are primarily responsible for the safety of their equipment, the environment, their personnel, and their passengers whereas, in contrast, the Pilots are insulated from liability by statute and are largely unaccountable for safety issues.

27. The Board's actions are also arbitrary, capricious and constitute an abuse of discretion. The Board cannot effectively vacate its order approving the Agreed Tariff without proper reconsideration, which was entirely lacking here. The Board's actions were undertaken without any appropriate guiding principles and were instead simply deferential to the dictates of the Pilots.

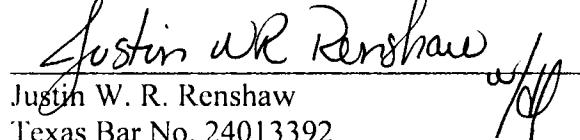
**F.  
CONCLUSION**

For the foregoing reasons, Petitioners Carnival Corporation, Royal Caribbean Cruises Ltd. and the Florida-Caribbean Cruise Association respectfully request that the Court, after review, enter an order that the Agreed Tariff is valid and enforceable, that the

second pilot requirement should be eliminated for cruise ships of 1025 feet LOA and less, and that the Board's inaction after the Pilots withdrew their Application constituted an abuse of discretion in violation of Texas law, wholly unsupported in the face of substantial evidence to the contrary. Petitioners further request such other relief, at law or in equity, to which they may be entitled.

Respectfully submitted,

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